

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTHONY CHARLES SADDLER, JR.,

Defendant.

No. CR06-2054-LRR

**FINAL ORDER REGARDING  
MOTION FOR SENTENCE  
REDUCTION PURSUANT TO  
18 U.S.C. § 3582(c)(2)**

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This matter is before the court pursuant to its September 11, 2009 order. In such order, the court, among other things, discussed several amendments to the Guidelines Manual, including Amendment 706 and Amendment 715, and it stated:

Having reviewed the defendant's file, the provisions and commentary of USSG §1B1.10, the factors set forth in 18 U.S.C. § 3553(a), the nature and seriousness of the danger to any person or community that may be posed by a reduction in the defendant's term of imprisonment and the defendant's post-sentencing conduct, the court preliminarily deems it appropriate to exercise its discretion and grant the defendant the maximum reduction permitted under 18 U.S.C. § 3582(c)(2) and USSG §1B1.10. The maximum reduction results in a total term of 270 months imprisonment, which consists of 210 months imprisonment on count 1, count 2, count 3 and count 5 and 60 months imprisonment on count 4.

The court also notified the parties that they needed to file written objections to the proposed reduction to the defendant's sentence and that, if neither party objected, an order would be filed that makes final the new term of imprisonment.

On October 13, 2009, the defendant filed an untimely objection, which essentially avers that the court should further reduce his sentence based on recent cases decided by

the Supreme Court. With regard to the objection asserted by the defendant, the court concludes that it is patently frivolous or without merit. In its September 11, 2009 order, the court clearly stated that, under 18 U.S.C. § 3582(c)(2) and USSG §1B1.10, it preliminarily deemed it appropriate to reduce the defendant's term of imprisonment by the maximum amount of months. Moreover, even if it had the discretion to reduce the defendant's total term of imprisonment below 270 months, the court would decline to do so because the record makes clear that 270 months imprisonment is appropriate. Accordingly, the defendant's objection is overruled.

Having overruled the defendant's objection and consistent with the September 11, 2009 order, the court, under 18 U.S.C. § 3582(c)(2), grants a reduction in the defendant's term of imprisonment. The defendant's previously imposed 262 month term of imprisonment on count 1, count 2 and count 3 of the superseding indictment and 240 month term of imprisonment on count 5 of the superseding indictment, as reflected in the judgment dated July 3, 2007, are reduced to 210 months imprisonment.<sup>1</sup> The defendant's total term is 270 months imprisonment. Except as provided above, all provisions of the judgment dated July 3, 2007 remain in effect. As previously stated in the September 11, 2009 order and without a separate order from the court, the duration and conditions of the defendant's supervised release remain unchanged.

The Clerk of Court is directed to satisfy the defendant's motion to reduce sentence under 18 U.S.C. § 3582(c)(2) (docket no. 124). The Clerk of Court is also directed to send a copy of this order to the Bureau of Prisons, that is, the place where the defendant

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<sup>1</sup> For purposes of the September 11, 2009 order and the instant order, the court relied on the following determinations:

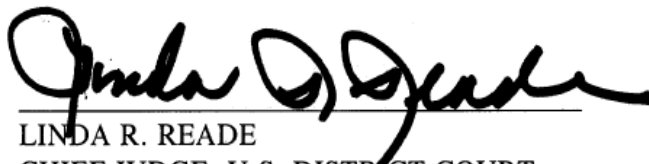
|                            |                   |                            |                   |
|----------------------------|-------------------|----------------------------|-------------------|
| Previous Offense Level:    | 39                | Amended Offense Level:     | 37                |
| Criminal History Category: | I                 | Criminal History Category: | I                 |
| Previous Guideline Range:  | 262 to 327 months | Amended Guideline Range:   | 210 to 262 months |

The 210 month term of imprisonment imposed on count 1, count 2, count 3 and count 5 of the indictment is within the amended guideline range.

is currently incarcerated. Finally, the Clerk of Court is directed to send a copy of this order to the defendant, USM No. 09941-029, and the Federal Public Defender.

**IT IS SO ORDERED.**

**DATED** this 21st day of October, 2009.



LINDA R. READE  
CHIEF JUDGE, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF IOWA